

1 those claims. 28 U.S.C. § 2241(c) provides that the writ of habeas corpus shall not extend to a
2 prisoner unless--

3 (1) he is in custody under or by color of the authority of the United States
4 or is committed for trial before some court thereof; or

5 (2) He is in custody for an act done or omitted in pursuance of an Act of
6 Congress, or an order process, judgment or decree of a court or judge of the
7 United States; or

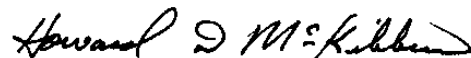
8 (3) He is in custody in violation of the Constitution or laws or treaties of
9 the United States;...

10 Nothing presently before the Court demonstrates it has any jurisdiction to entertain a
11 "case" filed by petitioner. Because petitioner was advised of the need to file a petition and he has
12 failed to do so, the court must dismiss the matter.

13 If, in fact, petitioner obtains the order from the Ninth Circuit which he anticipates, he
14 can then submit it and his fully prepared petition for writ of habeas corpus for the Court's review.

15 **IT IS THEREFORE ORDERED** that the Motion for Abeyance (docket #4) is
16 **DENIED.** This matter shall be **DISMISSED WITHOUT PREJUDICE.** The Clerk shall enter
17 Judgment accordingly.

18 Dated this 7th day of April, 2010.

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20 UNITED STATES DISTRICT JUDGE
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